FABCE, letalske storitve, d. o. o.
FABCE, Aviation Services, Limited
Zgornji Brnik 130n, 4210 Brnik – aerodrom, Slovenia

THIS DOCUMENT IS FOR INFORMATIONAL PURPOSES ONLY – LEGALLY BINDING DECISION IS DOCUMENT IN SLOVENIAN LANGUAGE ENCLOSED TO THIS DOCUMENT

No.: 273-1/2020-21
Date: 8. 10. 2020

Contracting Authority, FABCE, Aviation Services, Limited (hereinafter: Contracting Authority) accepts in the public procurement procedure "Delivery of Spare parts for CNS systems", No. of the public procurement 273-1/2020 (hereinafter: Public procurement) according to the Article 90 of the Public Procurement Act (Official Gazette of RS, no. 91/15; hereinafter: PPA-3) and tender documentation following

DECISION ON AWARDING PUBLIC PROCUREMENT

Public procurement "Delivery of Spare parts for CNS systems", No. of the public procurement 273-1/2020

- **for LOT 1: Delivery of spare parts for CNS system produced by Rodhe & Schwarz**, shall be awarded to the bidder Rohde & Schwarz Österreich GmbH, Technologiestrasse 10, I Euro Plaza 2E, 1120 Vienna, Austria, at offered final prices and for following items:

#	Spare part		No of Units	Price in EUR per unit (excluding VAT)	Total price in EUR (excluding VAT)
1	VHF transceiver XU4200		5	7.320,00	36.600,00
TOTAL					36.600,00

- **for LOT 2: Delivery of spare parts for CNS system produced by Frequentis** shall be awarded to the bidder Frequentis AG, Inovationsstrasse 1, 1100 Vienna, Austria, at offered final prices and for following items:

#	Spare part		No of Units	Price in EUR per unit (excluding VAT)	Total price in EUR (excluding VAT)
1	VCS MOD iPOS-F 04 working position		3	9.558,67	28.676,00
TOTAL					28.676,00

- **for LOT 3: Delivery of spare parts for CNS system produced by Thales** shall not be awarded, because the Contracting Authority has not received any application / bid for this lot;

- **for LOT 4: Delivery of spare parts for CNS system produced by Park Air Systems** shall not be awarded, the application and final bid submitted by the bidder Park Air Systems Limited, Northfields, Market Deeping, Peterborough, PE6 8UE, United Kingdom, shall be rejected;

- **for LOT 5: Delivery of spare parts for CNS system produced by Indra** shall not be awarded, the application and final bid submitted by the bidder Indra Sistemas S.A., Avenida de Bruselas 35, 28108 Alcobendas (Madrid), Spain, shall be rejected.

Explanation:

Contracting Authority started public procurement procedure "Delivery of Spare parts for CNS systems", No. of the public procurement 273-1/2020 with the Decision on initiation of the public procurement procedure No. 273-1/2020-2 dated 25.5.2020. The contract notice was published on the public procurement portal on 26. 5. 2020 under no. JN003243/2020-W01 and on 9. 6. 2020 under no. JN003242 / 2020-K01.

In Public procurement procedure PPA-3 is used. The Contracting Authority performed low-value procurement procedure. Object of the public procurement is separated in 5 lots, namely:

- LOT 1: Delivery of spare parts for CNS system produced by Rodhe & Schwarz,
- LOT 2: Delivery of spare parts for CNS system produced by Frequentis,
- LOT 3: Delivery of spare parts for CNS system produced by Thales,
- LOT 4: Delivery of spare parts for CNS system produced by Park Air Systems,
- LOT 5: Delivery of spare parts for CNS system produced by Indra.

By the deadline for submission of the application the Contracting Authority received the application from the following bidders:

- in LOT 1: Rohde & Schwarz Österreich GmbH, Technologiestrasse 10, I Euro Plaza 2E, 1120 Vienna, Austria,
- in LOT 2: Frequentis AG, Inovationsstrasse 1, 1100 Vienna, Austria,
- in LOT 3: / (the Contracting Authority did not received any application),
- in LOT 4: Park Air Systems Limited, Northfields, Market Deeping, Peterborough, PE6 8UE, United Kingdom,
- in LOT 5: Indra Sistemas S.A., Avenida de Bruselas 35, 28108 Alcobendas (Madrid), Spain.

After receipt and review of the content of the applications, the Contracting Authority continued negotiation. The Contracting Authority invited the bidders to the negotiations (according to tender documentation) in following points of the application:

- individual provisions of the contract,
- price for the implementation of the public procurement.

Following the conclusion of the negotiations the Contracting Authority called the bidders to submit final bids. By the deadline for submission of the final bids the Contracting Authority received the final bids with the following final offered prices:

Lot	**Bidder**	**Offered price in TOTAL in EUR (without VAT)**
1	Rohde & Schwarz Österreich GmbH	36.600,00
2	Frequentis AG	60.406,00
4	Park Air Systems Limited	13.656,60
5	Indra Sistemas S.A.	34.740,00

The decision of the Contracting Authority regarding the award of a public contract is as follows:

a) **for LOT 1: Delivery of spare parts for CNS system produced by Rodhe & Schwarz**, the contract shall be awarded to the bidder Rohde & Schwarz Österreich GmbH, Technologiestrasse 10, I Euro Plaza 2E, 1120 Vienna, Austria, whose bid is admissible, at offered final prices and for following items:

#	Spare part		No of Units	Price in EUR per unit	Total price in EUR

				(excluding VAT)	(excluding VAT)
1	VHF transceiver XU4200		5	7.320,00	36.600,00
TOTAL					36.600,00

b) **for LOT 2: Delivery of spare parts for CNS system produced by Frequentis**, the contract shall be awarded to the bidder Frequentis AG, Inovationsstrasse 1, 1100 Vienna, Austria, whose bid is admissible, at offered final prices and for following items:

#	Spare part		No of Units	Price in EUR per unit (excluding VAT)	Total price in EUR (excluding VAT)
1	VCS MOD iPOS-F 04 working position		3	9.558,67	28.676,00
TOTAL					28.676,00

For other items and quantities, the contract is not awarded to the bidder.

c) **for LOT 3: Delivery of spare parts for CNS system produced by Thales,** the contract shall not be awarded in this procurement procedure, whereas the Contracting Authority has not received any application / bid for this lot. For this lot, the Contracting Authority, started a new, separated, public procurement procedure with the Decision on initiation of the procedure no. 273-2/2020-2, dated 27. 7. 2020.

d) **for LOT 4: Delivery of spare parts for CNS system produced by Park Air Systems,** the contract shall not be awarded, the application and final bid submitted by the bidder Park Air Systems Limited, Northfields, Market Deeping, Peterborough, PE6 8UE, United Kingdom, shall be rejected, whereas the Contracting Authority, even after concluding negotiations with the bidder, did not achieve sufficient optimal conditions for the implementation of the public procurement.

e) **for LOT 5: Delivery of spare parts for CNS system produced by Indra,** the contract shall not be awarded, the application and final bid submitted by the bidder Indra Sistemas S.A., Avenida de Bruselas 35, 28108 Alcobendas (Madrid), Spain, shall be rejected, whereas the Contracting Authority, even after concluding negotiations with the bidder, did not achieve sufficient optimal conditions for the implementation of the public procurement.

This fully justifies this decision of the Contracting Authority.

Legal Notice:

According to the Legal Protection in Public Procurement Procedures Act (Official Gazette of RS, Nos. 43/11 , 60/11 - TSG-D, 63/13 , 90/14 - SAA-1I and 60/17; hereinafter: ZPVPJN), it is possible to file a request for audit of the public procurement procedure against this contract award decision. A request for audit must contain all elements listed in paragraph 1, Article 15 of the ZPVPJN. A request for audit shall be filled within 5 working days after this decision is received. The request for audit shall be submitted directly to the Contracting Authority in written form, by registered mail or by registered mail with return receipt, or via electronic portal eRevizija.

A confirmation of payment of the stipulated fee in the amount of

- in LOT 1 – 893,04 EUR,
- in LOT 2 – 699,69 EUR,
- in LOT 3 – 1.000,00 EUR,
- in LOT 4 – 1.000,00 EUR,

– in LOT 5 – 1.000,00 EUR,

shall be submitted together with the request for audit. This fee shall be remitted to the bank account number SI56 0110 0100 0358 802, open at the Bank of Slovenia, Slovenska 35, 1505 Ljubljana, Slovenia, SWIFT BS LJ SI 2X, reference no. 11 16110-7111290-00324320.

FABCE Limited
mag. Matej Eljon
director

Served:

- in accordance with the tenth paragraph of Article 90 of the Public Procurement Act

FABCE, letalske storitve, d. o. o.
FABCE, Aviation Services, Limited
Zgornji Brnik 130n, 4210 Brnik – aerodrom, Slovenia

Številka: 273-1/2020-20
Datum: 8. 10. 2020

Naročnik, FABCE, letalske storitve, d. o. o. (v nadaljevanju: naročnik) v postopku oddaje javnega naročila »Dobava rezervnih delov za CNS sisteme«, št. postopka 273-1/2020 (v nadaljevanju: javno naročilo), na podlagi 90. člena Zakona o javnem naročanju (Uradni list RS, št. 91/2015, v nadaljevanju: ZJN-3) in določil dokumentacije v zvezi z oddajo javnega naročila sprejema naslednjo

ODLOČITEV O ODDAJI JAVNEGA NAROČILA

Javno naročilo »Dobava rezervnih delov za CNS sisteme« se:

- **za SKLOP 1: Dobava rezervnih delov za CNS sisteme, proizvedenih s strani Rodhe & Schwarz**, št. postopka oddaje javnega naročila 273-1/2020, odda ponudniku Rohde & Schwarz Österreich GmbH, Technologiestrasse 10, I Euro Plaza 2E, 1120 Vienna, Austria, in sicer po naslednjih cenah in za naslednje količine:

#	Rezervni del		Št. kosov	Cena v EUR/kos (brez DDV)	Skupna cena v EUR (brez DDV)
1	VHF transceiver XU4200		5	7.320,00	36.600,00
TOTAL					36.600,00

- **za SKLOP 2: Dobava rezervnih delov za CNS sisteme, proizvedenih s strani Frequentis**, št. postopka oddaje javnega naročila 273-1/2020, odda ponudniku Frequentis AG, Inovationsstrasse 1, 1100 Vienna, Austria, in sicer po naslednjih cenah in za naslednje količine:

#	Rezervni del		Št. kosov	Cena v EUR/kos (brez DDV)	Skupna cena v EUR (brez DDV)
1	VCS MOD iPOS-F 04 working position		3	9.558,67	28.676,00
TOTAL					28.676,00

- **za SKLOP 3: Dobava rezervnih delov za CNS sisteme, proizvedenih s strani Thales,** se ne odda, ker naročnik v tem postopku za ta sklop ni prejel nobene prijave oz. ponudbe;

- **za SKLOP 4: Dobava rezervnih delov za CNS sisteme, proizvedenih s strani Park Air Systems,** se ne odda, prijava oz. ponudba ponudnika Park Air Systems Limited, Northfields, Market Deeping, Peterborough, PE6 8UE, United Kingdom, se zavrne;

- **za SKLOP 5: Dobava rezervnih delov za CNS sisteme, proizvedenih s strani Indra,** se ne odda, prijava oz. ponudba ponudnika Indra Sistemas S.A., Avenida de Bruselas 35, 28108 Alcobendas (Madrid), Spain, se zavrne.

Obrazložitev:

Naročnik je na podlagi ZJN-3 in Sklepa o začetku postopka oddaje javnega naročila št. 273-1/2020-2, z dne 25.5.2020, začel postopek oddaje javnega naročila »Dobava rezervnih delov za CNS«, št. postopka 273-1/2020. Obvestilo o naročilu je bilo objavljeno na portalu javnih naročil dne 26. 5. 2020 pod št. JN003243/2020-W01 in dne 9. 6. 2020 pod št. JN003242/2020-K01.

V postopku oddaje javnega naročila se uporabljajo določila ZJN-3. Naročnik je javno naročilo oddajal po postopku naročila male vrednosti. Predmet javnega naročila je razdeljen na sklope:

- SKLOP 1: Dobava rezervnih delov za CNS sisteme, proizvedenih s strani Rodhe & Schwarz,
- SKLOP 2: Dobava rezervnih delov za CNS sisteme, proizvedenih s strani Frequentis,
- SKLOP 3: Dobava rezervnih delov za CNS sisteme, proizvedenih s strani Thales,
- SKLOP 4: Dobava rezervnih delov za CNS sisteme, proizvedenih s strani Park Air Systems,
- SKLOP 5: Dobava rezervnih delov za CNS sisteme, proizvedenih s strani Indra.

Do izteka roka za oddajo prijav je naročnik prejel prijave:

- za SKLOP 1: ponudnika Rohde & Schwarz Österreich GmbH, Technologiestrasse 10, I Euro Plaza 2E, 1120 Vienna, Austria,
- za SKLOP 2: ponudnika Frequentis AG, Inovationsstrasse 1, 1100 Vienna, Austria,
- za SKLOP 3: / (naročnik ni prejel nobene prijave),
- za SKLOP 4: ponudnika Park Air Systems Limited, Northfields, Market Deeping, Peterborough, PE6 8UE, United Kingdom,
- za SKLOP 5: ponudnika Indra Sistemas S.A., Avenida de Bruselas 35, 28108 Alcobendas (Madrid), Spain.

Po prejemu in pregledu vsebine prijav je naročnik nadaljeval s postopkom pogajanj. Naročnik se je pogajal s ponudniki (skladno z razpisno dokumentacijo) o:

- posameznih pogodbenih določilih in
- ceni za izvedbo javnega naročila.

Po zaključku pogajanj je naročnik vse ponudnike pozval k oddaji končnih ponudb. V roku, določenem za oddajo ponudb, je naročnik prejel naslednje končne ponudbe oz. ponudbene cene:

Sklop	**Ponudnik**	**Skupna ponudbena cena v EUR (brez DDV)**
1	Rohde & Schwarz Österreich GmbH	36.600,00
2	Frequentis AG	60.406,00
4	Park Air Systems Limited	13.656,60
5	Indra Sistemas S.A.	34.740,00

Odločitev naročnika glede oddaje javnega naročila je po posameznih sklopih naslednja:

a) **za SKLOP 1: Dobava rezervnih delov za CNS sisteme, proizvedenih s strani Rodhe & Schwarz**, se odda ponudniku Rohde & Schwarz Österreich GmbH, Technologiestrasse 10, I Euro Plaza 2E, 1120 Vienna, Austria, ki je oddal dopustno ponudbe, in sicer po naslednjih cenah in za naslednje količine:

#	Rezervni del		Št. kosov	Cena v EUR/kos (brez DDV)	Skupna cena v EUR (brez DDV)
1	VHF transceiver XU4200		5	7.320,00	36.600,00
TOTAL					36.600,00

b) **za SKLOP 2: Dobava rezervnih delov za CNS sisteme, proizvedenih s strani Frequentis**, se odda ponudniku Frequentis AG, Inovationsstrasse 1, 1100 Vienna, Austria, ki je oddal dopustno ponudbo, in sicer po naslednjih cenah in za naslednje količine:

#	Rezervni del		Št. kosov	Cena v EUR/kos (brez DDV)	Skupna cena v EUR (brez DDV)
1	VCS MOD iPOS-F 04 working position		3	9.558,67	28.676,00
TOTAL					28.676,00

Za ostale količine se ponudniku naročila ne odda.

c) **za SKLOP 3: Dobava rezervnih delov za CNS sisteme, proizvedenih s strani Thales,** se naročilo v tem postopku ne odda, saj naročnik za ta sklop ni prejel nobene ponudbe. Naročnik je za ta sklop s Sklepom o začetku postopka št. 273-2/2020-2, z dne 27. 7. 2020 pričel nov postopek oddaje javnega naročila.

d) **za SKLOP 4: Dobava rezervnih delov za CNS sisteme, proizvedenih s strani Park Air Systems,** se ne odda, ponudba ponudnika Park Air Systems Limited, Northfields, Market Deeping, Peterborough, PE6 8UE, United Kingdom, se zavrne, ker naročnik tudi po zaključenih pogajanjih s ponudnikom ni dosegel dovolj optimalnih pogojev za izvedbo javnega naročila v predmetnem sklopu.

e) **za SKLOP 5: Dobava rezervnih delov za CNS sisteme, proizvedenih s strani Indra,** se ne odda, ponudba ponudnika Indra Sistemas S.A., Avenida de Bruselas 35, 28108 Alcobendas (Madrid), Spain, se zavrne, ker naročnik tudi po zaključenih pogajanjih s ponudnikom ni dosegel dovolj optimalnih pogojev za izvedbo javnega naročila v predmetnem sklopu.

S tem je predmetna odločitev naročnika v celoti obrazložena.

Pravni pouk:

Zoper to odločitev naročnika je mogoče v skladu z Zakonom o pravnem varstvu v postopkih javnega naročanja (Uradni list RS, št. 43/11, 60/11 – ZTP-D, 63/13, 90/14 – ZDU-1I in 60/17) vložiti zahtevek za revizijo postopka oddaje javnega naročila. Vlagatelj mora v zahtevku navesti vse elemente iz prvega odstavka 15. člena ZPVPJN. Zahtevek za revizijo je potrebno vložiti v roku 5 delovnih dni od dne vročitve te. Vlagatelj mora vložiti zahtevek za revizijo bodisi pisno, neposredno pri naročniku, po pošti priporočeno ali priporočano s povratnico, bodisi pisno preko portala eRevizija.

Vlagatelj mora zahtevku za revizijo priložiti tudi potrdilo o plačilu takse, in sicer v višini:

- za SKLOP 1 – 893,04 EUR,
- za SKLOP 2 – 699,69 EUR,
- za SKLOP 3 – 1.000,00 EUR,
- za SKLOP 4 – 1.000,00 EUR,
- za SKLOP 5 – 1.000,00 EUR.

Taksa se plača na transakcijski račun SI56 0110 0100 0358 802, odprt pri Banki Slovenije, Slovenska 35, 1505 Ljubljana, Slovenija, SWIFT koda BS LJ SI 2X Ministrstva, pristojnega za javno upravo, s sklicem 11 16110-7111290-00324320.

FABCE d.o.o.
mag. Matej Eljon
direktor

Vročeno:

- Skladno z desetim odstavkom 90. člena ZJN-3.